

# BOARD OF SUPERVISORS COUNTY OF TUOLUMNE

March 20, 2012

9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Richard H. Pland, Chair, Randy Hanvelt, Vice Chair; Elizabeth Bass, Evan Royce, and John L. Gray, being present. Also present were County Administrator Craig L. Pedro; Gregory J. Oliver, County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: None

Chairman Richard Pland, led the Pledge of Allegiance.

Oral Comm-  
Chamber of  
Commerce

George Segarini, President/CEO of the Tuolumne County Chamber of Commerce, addressed the Board and on the results of the Population 2010 working group and the results of the State of the County Survey.

Oral Comm-  
CHP Commander

R. Scott Clamp, Commander of the California Highway Patrol - Tuolumne County, introduced himself as the new Commander.

Consent Calendar

On motion of Supervisor Gray, seconded by Supervisor Bass, the following items on the Consent Calendar were approved by unanimous vote.

Minutes

1. Minutes of the meeting held on February 21, 2012.

Ordinance  
Summary

2. Finding that summaries of Ordinance Nos. 3191-3194 were published March 9, 2012, in The Union Democrat as required by law.

Surplus

3. Declaring various equipment as not required for public use and surplus, authorizing the Deputy Purchasing Agent to dispose of the property through a one day sale to be held in the future at 229 W. Jackson Street and/or the Tuolumne General building at 101 Hospital Road.

Reso-Correct SW  
Rate Increase -  
Collect Area 3  
w/Burns Refuse

4. Resolution No. 16-12, correcting a clerical error in Resolution No. 83-11 which was adopted by the Board of Supervisors on October 18, 2011.

Final Map-  
Parrotts Ferry  
Village

5. Resolution No. 17-12, approving the Final Map for Parrotts Ferry Village Subdivision.

- |  |   |
|--|---|
| HR-Amend Gov<br>457 Deferred<br>Comp Plans     | 6. Approving amending all County of Tuolumne Governmental 457 Deferred Compensation Plans for Heros Earnings Assistance and Relief Tax Act of 2008 (HEART Act) and Worker, Retiree and Employee Recovery Act of 2009 (WRERA), authorizing the Chair to sign.  |
| Contract-<br>Sheriff and Boat<br>and Waterways | 7. Approving the Contract between the Sheriff's Office and Boating and Waterways to support the Boat Patrol unit, in the amount of \$279,343, authorizing the Sheriff to sign.  |
| First 5 Appt.                                  | 8. Consideration of approving the appointment of Marguerite Bulkin and reappointment of Susan Sells to the First 5 Tuolumne County Commission for terms to expire March 31, 2013 and March 31, 2015 respectively.   |
| BH Advisory Brd<br>Appt/Resig/NOV              | 9. Approving the appointments of Loretta Pagni and Donna Maddox to the Behavioral Health Advisory Board for terms to expire on September 30, 2014 and November 30, 2014, respectively, and accepting the resignation of Alexandra Campbell from the Behavioral Health Advisory Board and direct the Clerk of the Board to send a letter of appreciation and post a Notice of Vacancy. |
| TC Local Child<br>Card Resig/NOV               | 10. Accepting the resignation of Robyn Scott from the Tuolumne County Local Child Care and Development Planning Council as the child care consumer representative and direct the Clerk of the Board of Supervisors to send a letter of appreciation and post a Notice of Vacancy.   |
| Area 12 Agency<br>NOV                          | 11. Declare vacancies on the Area 12 Agency on Aging Advisory Council and Tuolumne County Commission on Aging due to the recent passing of Nick Cretan, and directing the Clerk of the Board of Supervisors to post a Notice of Vacancy.  |
| Museum-<br>Deaccession<br>Comm Appt.           | 12. Approving the appointment of Ken Caetano as the County representative to the Deaccession Committee. (Pland)   |
- Daniel Richardson, Deputy County Administrator, requested continued consideration of approving an internet service Contract for five (5) years and responded to questions from the Board.

Ben Hulet, CEO of Mother Lode Internet, LLC., addressed the Board.

Gregory Oliver, County Counsel; Mr. Richardson; and Barry Jacobs, Network Administrator, responded to questions from the Board.

Craig Pedro, County Administrator and Mr. Hulet addressed the Board.

It was moved by Supervisor Hanvelt, seconded by Supervisor Gray, to approve to approve the Contract with Comcast for five (5) years at a cost of approximately \$2,079 per month, authorizing the Chair to sign.

Discussion ensued.

Mr. Richardson responded to questions from the Board.

Motion carried by 4-1 vote with Supervisor Royce dissenting.

Supervisor Royce declared a conflict and left the dais at 9:39 a.m.

Mr. Pedro requested consideration of approving change orders for the contract with Sierra Mountain Construction, Inc. for the Law & Justice Infrastructure Project and responded to questions from the Board.

Discussion ensued.

It was moved by Supervisor Gray, seconded by Supervisor Bass and carried by 4-0 vote with Supervisor Royce being absent, to approve the Change Orders for the contract with Sierra Mountain Construction, Inc. for the Law & Justice Infrastructure Project in the net amount of \$444,092.27 increasing the total contract from \$2,419,531.55 to \$2,863,623.82, authorizing the Chair to sign.

Supervisor Royce returned to the dais at 9:47 a.m.

Mr. Pedro requested consideration of approving an Architectural Services Agreement with HMC Architects to complete design of the new Juvenile Detention Facility and responded to questions from the Board.

Maureen Frank, Deputy County Administrator, responded to questions from the Board.

Discussion ensued.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by 4-1 vote with Supervisor Royce dissenting, to approve an Architectural Services Agreement with HMC Architects in the amount of \$1,450,000 to complete design of the new Juvenile Detention Facility, authorizing the Chair to sign.

Mr. Pedro requested consideration of approving a process for making Board of Supervisor appointments to the Oversight Board for dissolution of the Sonora Redevelopment Agency's Successor Agency and responded to questions from the Board.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by unanimous vote, to approve approving a process for making Board of Supervisor appointments to the Oversight Board for dissolution of the Sonora Redevelopment Agency's Successor Agency and directing the Clerk of the Board of Supervisors to post a Notice of Vacancy with a deadline of April 6, 2012 and appointments on April 17, 2012.

CIP-L&J Project  
Change Orders

CIP-Agree-HMC  
Juv. Detention  
Facility

Oversight Board  
Procedures

BOE	<p>The Board of Supervisors recessed and reconvened as the Board of Equalization at 10:03 a.m.</p> <p>The Board of Equalization recessed and reconvened as the Board of Supervisors at 10:05 a.m.</p>
Mobilehome Park Control of Rent	<p>Sheila Shanahan, Housing Program Coordinator, requested consideration of establishing a \$22 annual fee for Fiscal Year 2012-2013 to administer and defend Chapter 5.28 of the Tuolumne County Ordinance Code: Control of Rents in Mobilehome Parks.</p> <p>It was moved by Supervisor Bass, seconded by Supervisor Hanvelt, and carried by unanimous vote, to establish a \$22 annual fee for Fiscal Year 2012-2013 to administer and defend Chapter 5.28 of the Tuolumne County Ordinance Code: Control of Rents in Mobilehome Parks.</p>
BOS Housing Policy Comm. Work Plan	<p>Ms. Shanahan requested consideration of adopting the 2012 Work Program for the Board of Supervisors Housing Policy Committee.</p> <p>It was moved by Supervisor Hanvelt, seconded by Supervisor Bass, and carried by unanimous vote, to adopt the 2012 Work Program for the Board of Supervisors Housing Policy Committee</p>
Road Naming-Staff Direction	<p>Duke York, Deputy CRA Director - Roads, requested consideration of selecting a name for a new road that will be constructed between Christie May Lane and Seaborn Road as part of the East Sonora Bypass Stage II project and directing the Community Resources Agency to prepare a resolution to officially name the road and responded to questions from the Board.</p> <p>It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by unanimous vote, to direct staff to prepare a resolution to officially name the road Gold Queen Mine Road and return to the Board at a later date with an appropriate Resolution.</p>
TCOC Chpt. 1.10 Code Compliance	<p>The Board considered the second reading of ordinance to repeal and replace Chapter 1.10 of the Tuolumne County Ordinance Code with a new Chapter 1.10 regarding code compliance.</p> <p>Ms. Shane presented the staff report and responded to questions from the Board.</p> <p>Title having been read and reading waived, it was moved by Supervisor Gray, and seconded by Supervisor Bass, and carried by unanimous vote to adopt the following ordinance.</p> <p style="text-align: center;">Ordinance No. 3195</p> <p>Repeal and replace Chapter 1.10 of the Tuolumne County Ordinance Code with a new Chapter 1.10 regarding code compliance.</p>

Reso-Code  
Compliance  
Fines, Fees and  
Cost of Abate

Ms. Shane requested consideration of establishing fines, hearing fees, and costs for abatement of public nuisances and violations of the Tuolumne County Ordinance Code, and responded to questions from the Board.

The Board requested a staff report in one year.

Doug Oliver, Chief Building Official, and Mr. Gregory Oliver responded to questions from the Board.

Discussion ensued.

John Reimers addressed the Board.

Ms. Shane and Mr. Oliver responded to questions from the Board.

Kathy Fascila addressed the Board.

On motion of Supervisor Hanvelt, seconded by Supervisor Royce, the following resolution was adopted and directing staff to return after one year for a review of the effectiveness by unanimous vote.

Resolution No. 18-12

Establishing fines, hearing fees, and costs for abatement of public nuisances and violations of the Tuolumne County Ordinance Code.

The Chair directed staff return the matter to the Board to a later date to discuss and recommend how the funds will be utilized.

The Board recessed at 10:57 a.m. and reconvened at 11:06 a.m.

Presentation-  
TC Budget  
and Liabilities

Mr. Pedro gave a presentation of the County of Tuolumne's liabilities in the areas of the Public Employees Retirement System (PERS), post-retirement medical, workers compensation, leave balances and internal and external debt.

The Board recessed at 12:07 p.m. and reconvened at 1:30 p.m.

The Chair announced that the presentation will be continued to after the afternoon appointments.

RZ-Miller

Public hearing was declared open to consider **TIMOTHY AND MARY MILLER**, Special Ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (RZ11-004) 10.0+ acres to RE-3 and 0.3+ acre to O, located at 23700 and 23710 Confidence South Fork Road. It is a portion of Section 3, Township 2 North, Range 16 East; APN 47-100-12.

Ms. Shane presented the staff report and responded to questions from the Board.

Timothy Miller spoke in favor and responded to questions from the Board.

No one else wished to speak, the public hearing was declared closed.

It was moved by Supervisor Royce, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve: **1) Negative Declaration**, finding that: **A) The proposed project will not result in significant adverse impacts to the environment; B) The Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and State and County guidelines for the implementation of CEQA; C) The Negative Declaration reflects the independent judgment of the County of Tuolumne; D) Pursuant to Section 21081.6(a)(1) of the Public Resources Code, a reporting and/or monitoring plan has been prepared, as incorporated into the conditions of approval of Tentative Parcel Map T11-011, in order to avoid significant effects on the environment; E) The conditions of approval of Tentative Parcel Map T11-011 are roughly proportional to the respective potential environmental impacts associated with the proposed project; F) Pursuant to Section 21081.6(a)(2) of the Public Resources Code, the custodian and location of the documents and materials which constitute the record of proceedings upon which this decision to adopt the Negative Declaration had been made are as follows: i) Clerk of the Board of Supervisors, 2 South Green Street, Sonora, California; ii) Environmental Coordinator/Community Resources Director, Tuolumne County Community Development Department, 48 West Yaney, Sonora, California; iii) Air Pollution Control Office, 22365 South Airport Road, Sonora, California; and iv) Fire Prevention Bureau, Tuolumne County Fire Department, 48 West Yaney, Sonora, California; 2) Zone Change RZ11-004, finding that: **A) The proposed Zone Change is consistent with the Tuolumne County General Plan; B) The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; and C) The project site is suited to the uses permitted under the proposed zoning districts, and adopted the following ordinance.****

#### Ordinance No. 3196

A special ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

RZ-Boone

Public hearing was declared open to consider **GORDON AND MARY BOONE**, Special Ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (RZ11-017) 2.0+ acres to C-1, located at 14381 Edgemont Acres Road in East Sonora. It is a portion of Section 33, Township 2 North, Range 15 East; APN 45-210-12.

Ms. Shane presented the staff report.

Gordon Boone spoke in favor.

No one else wished to speak, the public hearing was declared closed.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by unanimous vote, to approve the zone change finding that: **A)** The proposed Zone Change is consistent with the Tuolumne County General Plan; **B)** The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; **C)** The project site is suited to the uses permitted under the proposed zoning district; and **D)** The proposed project is exempt from environmental review under the California Quality Environmental Act (CEQA) pursuant to Section 15162 of the State CEQA Guidelines, and adopted the following ordinance.

**Ordinance No. 3197**

A special ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

**TPPA-New  
Melones Power  
Entitlement**

The Board of Supervisors recessed and reconvened as the Tuolumne Public Power Agency at 1:40 p.m.

Kathleen Haff, Tuolumne Public Power Agency Deputy Director, requested consideration of providing direction regarding contractor's assessment and recommendation for New Melones power entitlement and responded to questions from the Board.

Kirby Dusel, Principal Consultant of Paradigm Energy Consulting, addressed the Board and responded to questions.

John Dalessi, Principal Consultant of Dalessi Management Consulting addressed the Board and responded to questions.

Ms. Haff addressed the Board.

Direct staff to return to the Board within a reasonable amount of time.

The TPPA recessed at 2:57 p.m. and reconvened as the Board of Supervisors at 3:03 p.m.

**Presentation-  
TC Budget  
and Liabilities**

The Board continued the a presentation of the County of Tuolumne's liabilities in the areas of the Public Employees Retirement System (PERS), post-retirement medical, workers compensation, leave balances and internal and external debt.

The Chair announced that the matter will be heard at a later date.

**Reports-Hanvelt**

Supervisor Hanvelt reported that on March 8, 2012, he met with the Real Estate Board and attended the Central Sierra Economic District and Planning Council meeting; on March 9<sup>th</sup>, he attended a California State Association of Counties (CSAC) workshop, attended a Candidate forum; On March 10<sup>th</sup>, he attended a TuCARE Dinner; on March 12<sup>th</sup>, he attended a Sierra Cascades Dialogue in Sacramento and a Farm Bureau meeting; on March 13<sup>th</sup>, he attended a Natural Resources Committee meeting, he attended a meeting at Sierra Pacific Industries

and met with constituents; on March 14<sup>th</sup>, he attended a Tuolumne County Transportation Council (TCTC) meeting; on March 15<sup>th</sup> he attended a Deputy Sheriffs Association (DSA) meeting; and on March 19<sup>th</sup>, he met with Larry Cope and attended the Governmental Affairs Council (GAC) meeting.

**Reports-Pland**

Supervisor Pland reported that on March 9, 2012, he attended the Tuolumne County Economic Development Authority (TCEDA) meeting; on March 10<sup>th</sup>, he attended a TuCARE Dinner; on March 13<sup>th</sup> he attended a Natural Resource Committee; on March 14<sup>th</sup>, he attended the Regional Council of Rural Counties (RCRC) Board meeting; he attended the Sheriff's Town Hall meeting in Jamestown; on March 16<sup>th</sup>, he attended a meeting regarding the transient occupant tax (TOT) expansion ballot measures; on March 19<sup>th</sup>, he attended a GAC meeting, met with the Union Democrat on the Population Committee and attended a Board of Supervisors Transportation Committee (BOSTC) meeting.

**Reports-Gray**

Supervisor Gray reported that on March 9, 2012, he attended a TCEDA meeting; on March 10<sup>th</sup>, he attended a TuCARE Dinner; on March 14<sup>th</sup>, he attended a Tuolumne County Transportation Council (TCTC) meeting; on March 15<sup>th</sup> he attended a BOSTC meeting; on March 16<sup>th</sup>, he attended a retirement luncheon; and on March 19<sup>th</sup>, he attended Board of Supervisors Planning Committee (BOSPC).

**Reports-Bass**

Supervisor Bass reported that on March 7, 2012 she attended a Housing Loan Review Committee meeting and a Behavioral Health Advisory Board meeting; on March 9<sup>th</sup>, she attended a Candidates Forum; on March 13<sup>th</sup>, she was interviewed by KVML interview; and on March 14<sup>th</sup> she attended a Catholic Charities luncheon.

**Reports-Royce**

Supervisor Royce reported that on March 8, 2012, he attended a Assembly Candidate debate; on March 9<sup>th</sup>, he attended the local candidates forum; on March 10<sup>th</sup>, he attended the TuCARER dinner; on March 15<sup>th</sup>, he attended a meeting regarding a community service district in Tuolumne; on March 16<sup>th</sup>, he attended a Sonora High Athletics fund raiser; on March 19<sup>th</sup>, he attended the California Retired Teachers Association Luncheon; and was interviewed by KVML.

**Reports-Pedro**

Mr. Pedro reported that he attended meeting regarding TOT expansion ballot measures and meetings regarding Law & Justice projects; he reported on the status of the County's Emergency Operations Plan and Customer Service project; reported on the status of the progress of the Amgen; he attended a meeting with Sonora Regional Medical Center; and attended meetings regarding PERS.

**Reports-Oliver**

Mr. Oliver reported on the status of Carlyn Drivdahl's maternity leave; he attended the Natural Resources meeting; he met with Mr. Tischler; announced that the funds raised by Sonora Sunrise Rotary Club's Celebrity Waiters event will go towards Railtown in Jamestown.

**Closed Session**

The Chair announced that item numbers 24 and 25 will be pulled and heard at a later date.



The Board recessed at 3:25 p.m. to: Closed Session to consider: **A) Conference with Labor Negotiators:** Craig Pedro, County Administrator and Bill Morse, Human Resources/Risk Manager (Authority: Government Code §54957.6) In Home Support Services Bargaining Unit; **B) Conference with Legal Counsel-Existing Litigation** (Authority: Government Code § 54956.9(a)) – City of Riverbank v. County of Tuolumne, et al. Sacramento County Superior Court Case No. 34-2011-80000950; Friends of the Motherlode, et al. v. Tuolumne County, et al. Stanislaus County Superior Court Case No. 663497 regarding the Cooperstown Quarry; and **C) Conference with Labor Negotiators:** Craig Pedro, County Administrator and Bill Morse, Human Resources/Risk Manager, (Authority: Government Code § 54957.6) Deputy Sheriffs Association Bargaining Unit, reconvening at 4:17 p.m., the Chair announced there was nothing to report and adjourned the meeting to the next regular meeting scheduled for April 3, 2012, at 9:00 a.m.

APPROVED:



RICHARD H. PLAND, CHAIR

ATTEST:



Alicia L. Jamar, Chief Deputy  
Clerk of the Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR  
Clerk of the Board

By: 

W:\MINUTES\MINUTES.12\M03-2012\M03-2012.wpd